

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:04-CR-232-05

v.

Hon. Richard Alan Enslen

KRISTOPHER ADAM GATES,

Defendant.

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ORDER APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Ellen S. Carmody. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

Upon such review, the Court finds that the guilty pleas to violations one and two (committing a new crime and use of alcoholic beverages) were made knowingly and with full understanding of each of the rights explained by the Magistrate Judge and were made voluntarily and free from any force, threats or promises apart from the promises explained in the Report and Recommendation. The Court also finds that Defendant understood the nature of the charges and the penalties provided by law and that the pleas had a sufficient factual basis. Additionally, the Court approves the Government's stipulation to dismissal of violation three.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed December 18, 2007, is **APPROVED** and **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Court adjudicates Defendant Kristopher Adam Gates guilty of violations one and two.

IT IS FURTHER ORDERED that the Court approves of the terms of sentence announced in the Report and Recommendation, which shall be entered in a separate judgment of sentence this date.

IT IS FURTHER ORDERED that violation three contained in the Petition for Warrant for Offender Under Supervision entered November 14, 2007 is **DISMISSED**.

DATED in Kalamazoo, MI:
January 7, 2008

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE